Oct. 22, 2020

Mr. Chris Reykdal
Superintendent of Public Instruction
Old Capitol Building
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Dear Superintendent Reykdal:

Re: Waiver Request

Thank you for your letter of Oct. 21, 2020, requesting consideration of a waiver or variance process to allow school districts to progress or maintain in-person learning.

We agree on the importance of education, value of in-person education for students, and multiple roles schools play in supporting families and the community. Tacoma-Pierce County Health Department (Health Department) has been working collaboratively with schools but is not planning to approve waivers or variances to the Department of Health’s Decision Tree for the Provision of In Person Learning (DOH Decision Tree) for the following reasons:

- Necessity of waiver or variance.
- Role of health and safety guidance.
- Applicability of local, district-specific measures.

Necessity

A waiver or variance is only necessary if there is a law or requirement. Our October 1 communication to schools states: “We will continue to closely watch the case rate and other metrics to determine when to issue our recommendation that schools stop in-person learning, but the school district or private school will make the final decision.”

If a school or district decides differently from our recommendation, a waiver or variance is not needed.

Health and Safety Guidance
I agree with your letter that school districts are doing a good job following Department of Health and Department of Labor and Industries health and safety guidance. However, the guidance addresses the question: “If we can reopen schools for in-person learning, how do we do that safely?”

It does not address the question: “Can we safely reopen schools for in-person learning?” For this, we look at community transmission and the DOH Decision Tree. After seeing 20-30 cases a day in early September, we have topped 100 three times in the past week, hit the highest ever number of cases (139) during the pandemic, and are averaging 79 cases a day. Our 14-day total COVID-19 case rate is 123 per 100,000 (102 with a 6-day lag) meaning we are at the high disease activity level of the Decision Tree.

High community transmission means cases are penetrating schools, businesses, churches, and other settings. There has been a marked increase in the number of cases in children nationwide. In Pierce County, the fastest increase of new cases is now in those under 20 years old: this group comprises 16% of new cases in the past 2 weeks—a 37% percent increase. When community transmission is widespread, the safety of students, teachers, and staff are at greater risk.

Local, District-Specific Measures

Local, district-specific measures sound appealing but are misleading. No school is an island and variations based on local, district-specific measures are only meaningful if parents stop commuting out and workers and visitors are barred from entering. We report cases by residence, and this does not reflect where people work, learn, or play. Up to one third of Pierce County residents commute to King County to work. In rural areas like Carbonado and Eatonville, low economic opportunity means more people cross district and county lines to work and shop. Private schools attract students from a broad geographic area while some school districts (eg, Carbonado) attract out-of-district students. Tourist attractions like Gig Harbor, Mount Rainier, and Tacoma draw visitors regionally.

Our position, consistent with the Governor’s Safe Start plan, is restrictions apply countywide based on countywide disease activity level.

Collaboration with Schools

We have a longstanding partnership with schools that has continued through this COVID-19 pandemic. We supported them through the early cases to the difficult process of closing schools in the spring. Over the summer, I wrote two letters at superintendents’ request as they were planning for school opening in September. When L&I guidance for mask usage proved inadequate, our staff drafted examples of scenario/role-based guidance which led to the revised school mask guidance issued a few weeks ago.
We continue to meet regularly with representatives of superintendents and heads of private school. They help decide unclear areas in the DOH Decision Tree, such as:

- Do pre-school and pre-K follow guidance for childcares or schools? Decision: childcare.
- What constitutes “younger learners” within “the highest need students” permitted to have in-person learning in small groups? Decision: K to Grade 5.

In planning for transitions between levels of disease activity in the Decision Tree, we committed to: regularly share information; provide clear milestones with observation periods; avoid rapid back-and-forth changes; and work together to keep students, staff, and community safe.

In summary, while we share the same concerns, desired outcomes, and value for collaboration, localized waivers or variances are necessary and we do not believe local, district-specific measures make sense for our county during this pandemic.

Yours sincerely,

Anthony L-T Chen, MD, MPH
Director of Health